

HB 1463 -- JUVENILE DETENTION

SPONSOR: Roorda

This bill requires any juvenile who is taken into custody for prostitution, for committing any sexual offense, or for being a runaway when the juvenile has previously been adjudicated as a runaway on two or more occasions to be placed in detention and may be held for up to 48 hours during which time the juvenile officer must make an evaluation to determine whether the offense committed by the juvenile was the result of enticement, exploitation, or coercion by a third party. The juvenile office must immediately file a notice of detention under this provision with the court.

If the juvenile officer determines the offense was not the proximate result of enticement, exploitation, or coercion by a third-party, the officer must, within the 48-hour period, file a report with the court detailing that there was no third-party involvement. Upon receipt of the report, the court must immediately order that a detention hearing be held within 24 hours of receipt of the report. If the hearing is not held within one day, excluding Saturdays, Sundays, and legal holidays, the juvenile must be released from detention unless the court for good cause orders the hearing continued. Notice of the date, time, and place of a detention hearing and of the right to counsel must be given to the juvenile and his or her custodian in an expeditious method as is available. The court must also order a detention hearing within one business day if the juvenile officer fails to submit a report to the court.

If the juvenile officer determines the offense was the proximate result of enticement, exploitation, or coercion by a third-party, the officer must, within the 48-hour period, file a report with the court detailing the third-party involvement. Upon receipt of the report, the court must immediately order that the juvenile be released from detention and transferred into the temporary legal custody of the Division of Family Services within the Department of Social Services. The juvenile must not be returned to the legal or physical custody of the person or persons who had custody prior to the juvenile's detainment. The juvenile officer must immediately notify the law enforcement agency where the offense occurred of his or her determination. If the court fails to receive a report from the juvenile officer with 48 hours of notice of the detention, the court must immediately order that a detention hearing be held within 24 hours. If the hearing is not held within one day, excluding Saturdays, Sundays, and legal holidays, the juvenile must be released from detention unless the court for good cause orders the hearing continued. Notice of the date, time and place of a detention hearing, and of the right to counsel must be given to the

juvenile and his or her custodian in an expeditious method as is available. Once the juvenile officer has made a determination that there was third-party enticement, exploitation, or coercion, law enforcement officers investigating the allegation of third-party involvement must, at their request, be allowed unhindered access to question the juvenile as a victim. Any information obtained by law enforcement from the juvenile that incriminates him or her in the commission of the offense must be used in the prosecution of the juvenile. The juvenile must be advised of his or her rights as specified in the bill prior to the questioning.